



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #3
June 5, 2014
BZZ-6564

LAND USE APPLICATION SUMMARY

Property Location: 415 Nicollet Mall
Project Name: The Nic on Fifth sign variance
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Carol Lansing
Project Contact: Carol Lansing
Request: To allow for a new wall sign.
Required Applications:

Variance	To increase the maximum sign height from 28 feet to approximately 45 feet to allow for a new wall sign for The Nic on Fifth.
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SITE DATA

Existing Zoning	B4-2 Downtown Business District NM Nicollet Mall Overlay District DP Downtown Parking Overlay District
Lot Area	51,972 square feet / 1.2 acres
Ward(s)	3
Neighborhood(s)	Downtown Minneapolis Neighborhood Association
Designated Future Land Use	Commercial
Land Use Features	Commercial Corridor (Nicollet Mall) Major Retail Center (Downtown)
Small Area Plan(s)	Downtown East/North Loop Master Plan

Date Application Deemed Complete	May 13, 2014	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 12, 2014	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is located at the intersection of Nicollet Mall and 5th Street South. The property is approximately 1.2 acres and is located north of the Nicollet Mall LRT Station. The property is currently under construction to allow for a new 283,383 square foot, 26-story, mixed-use building with 253 dwelling units.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties include the Xcel Energy campus to the north and northwest, where one of the buildings has recently been approved for construction. CenterPoint Energy is located to the south, which is the former Niemen Marcus building. The property is on Nicollet Mall and on 5th Street South, immediately adjacent to the Nicollet Mall LRT station.

PROJECT DESCRIPTION. The applicants are proposing a new wall sign identifying the building, facing 5th Street South. The sign copy will include the logo and be located on the building wall, near to the intersection with Nicollet Mall. The sign height is approximately 45 feet. The maximum height for signage in the B4-2 Downtown Business District is 28 feet. This would allow for 420 square feet of signage on this primary building wall; therefore, the applicants are seeking a variance to increase the maximum sign height.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-5404	Variances of the NM Nicollet Mall Overlay Standards for building location and retail and site plan review for a new mixed-use building with 253 dwellings.	New 283, 383 square foot, mixed-use building with 253 dwellings.	Applications were approved by the City Planning Commission on December 12, 2011 .

PUBLIC COMMENTS. Staff has not received correspondence regarding the requested sign variance. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum height of a new building identification wall sign based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Staff finds that there are practical difficulties in complying with the maximum sign height requirements due to circumstances that are unique to the parcel. The applicant states the increased height of the proposed signs is due to the unique identification needs given the size of the site and the location of the building on the site. The number of locations on the building where signage could be placed is limited due to the architecture of the building and the number of windows on the building. Further, the subject property is over one acre in area and will face the LRT station at Nicollet Mall, which reduces the visibility of the property due to the overhead wires and architectural features of the station. Staff finds that these circumstances have not been created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. The subject property is zoned B4-2 Downtown Business District. The proposed signage would be in keeping with the spirit and intent of the ordinance at a height of approximately 45 feet given the size and location of the structure. The size and type of signs proposed meet the requirements in the ordinance. The applicant states that the increased height is required due to the architectural features of the building and the visibility due to the adjacent LRT station. Staff finds that the proposed height of the sign will allow for a reasonable use of the property.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

The proposed signage will not alter the essential character or be injurious to the use or enjoyment of property in the vicinity. The proposed signage will be installed facing 5th Street South and the sign copy will be the logo for the building. . The sign will be painted metal with a non-illuminated white opaque vinyl infilling the letters. The sign plan states that the sign will be backlit, which is prohibited in the B4-2 District. The sign will have a halo effect and will be considered to be internally illuminated. The proposed signs would be located at a height of approximately 45 feet, measured from the adjacent grade. The illumination from the signage will not front directly onto any property that would find the proposed sign overly imposing or intrusive. Therefore, granting the sign variance would not be detrimental to health, safety or welfare of the general public.

In addition to the variance standards contained in Chapter 525 and this article, the Board of Adjustment shall consider, but not be limited to, the following factors when determining sign variances or conditional use permits:

1. **The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The applicant is seeking a variance to increase the maximum permitted height from 28 feet to approximately 45 feet for a proposed wall sign. The zoning code regulations governing on-premise signs were established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property and to protect the public health safety and welfare. Staff finds that the proposed sign is appropriate to the planned character of the property and will allow for effective signage without leading to visual clutter. The proposed sign is intended to identify the building and not the individual commercial tenants in the building. The applicant has provided a master sign plan showing the additional proposed wall signs for the building and the individual tenants. Staff finds that the proposed sign plan is consistent with the purpose and intent of the zoning code and City policies.

2. The sign adjustment will allow a sign that relates in size shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

Staff finds that the sign will relate in size, shape, material, color, illumination and character of the buildings and the property. The sign will be painted metal with a non-illuminated white opaque vinyl infilling the letters. The sign plan states that the sign will be backlit, which is prohibited in the B4-2 District. The sign will have a halo effect and will be considered to be internally illuminated. Staff finds that the sign will be professionally installed with quality materials.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to increase the maximum sign height from 28 feet to approximately 45 feet to allow for a new wall sign for The Nic on Fifth located at 415 Nicollet Mall in the B4-2 Downtown Business District, NM Nicollet Mall Overlay District and DP Downtown Parking Overlay District, subject to the following condition of approval:

1. Approval of the sign permit and master sign plan by the Department of Community Planning and Economic Development.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Sign plans
4. Building elevations
5. Photos